## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:16-cr-00200-MOC-DSC

UNITED STATES OF AMERICA,	)	
	)	
	)	
	)	
Vs.	)	ORDER
	)	
BILLY DARRYL FLOYD,	)	
	)	
Defendant.	)	

**THIS MATTER** is before the Court on defendant's second Motion for Clarification of Duties and firs Motion for an Order for Communication with Prosecutor. As to his second Motion for Clarification, this Court has already defined the role of standby counsel and defendant's own role in a previous Order, which apparently crossed with this motion in the mail.

As to defendant's request for an Order directing the government's counsel to communicate with him, defendant is advised that the government has no obligation to communicate with him except as required by the Federal Rules of Criminal Procedure in providing discovery and as may otherwise be required by the Local Criminal Rules. While the Court certainly hopes the government will communicate with him, the Judicial Branch does not compel representatives of the Executive Branch to communicate with defendants, even those who are representing themselves. It is entirely up to the government to decide, in its discretion, if it wants to communicate any plea offers and what form any communications will take. Defendant is, of course, free to communicate unilaterally with the government, but again the Court advises defendant that as his own counsel, anything he says or puts in writing to the government could be used against him.

While defendant has a constitutional right to represent himself, he is again advised that he only puts *himself* at a disadvantage by declining representation by an experienced defender.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that defendant's Motion for Clarification of Duties and for an Order for Communication with Prosecutor (#39) is **DENIED**. Defendant is specifically referred to this Court's earlier Order (#38) for guidance.

Signed: April 13, 2017

Max O. Cogburn Jr

United States District Judge

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